

**SEDGWICK COUNTY  
BOARD OF ZONING APPEALS  
MINUTES  
November 7, 2006**

The Sedgwick County Board of Zoning Appeals meeting was held at 3:30 p.m. on Tuesday, November 7, 2006, in the Planning Department Conference Room, Tenth Floor of City Hall, 455 N Main, Wichita, Kansas.

The following members were in attendance:

GRANT TIDEMANN, DENNIS GRUENBACHER, and TOM LINDSAY

The following members were absent:

JANA MULLEN and KATHLEEN GIDEON.

The following Planning Department staff members were in attendance: JESS MCNEELY, Secretary, DALE MILLER Current Plans Manager and YOLANDA ANDERSON, Recording Secretary.

Other members present:

GLENN WILTSE, BOB PARNACOTT

Tidemann        Calls the County Board of Zoning Appeals meeting to order at 3:35pm. The first order of the meeting is approving the minutes.

Tidemann        Requests that the minutes of April 4, 2006 be approved.

Gruenbacher    Moves to approved minutes

Lindsay         Seconded

**Motion 4-0 unanimously approved**

Tidemann        Any request to change the 2007 calendar?

Gruenbacher    Moved to approve 2007 Calendar.

Lindsay         Seconded

**Motion 4-0 unanimously approved**

Tidemann        We will now hear our first case, Jess.

McNeely        Good afternoon, I am Jess McNeely the planning staff is here to present BZA2006-70. The applicant has passed out handouts. **BACKGROUND:** The application area is a sand extraction site, approved as a Conditional Use in "RR" Rural Residential zoning on February 23, 2005. The Unified Zoning Code (UZC) classifies sand extraction as an extractive land use; most sand extraction operations in Sedgwick County exist as Conditional Uses in "RR" zoning. The Conditional Use for this site (CON2004-33) does not address signage, and demonstrates a long-term redevelopment plan with

residential development when sand extraction is complete. The applicant requests a variance for an existing 88 square foot sign; see the applicant's attached letter, site plan, and elevation photograph.

The Sedgwick County Sign Code (published on December 23, 2004) permits Business Signs in the RR district for any permitted business in the RR district. Business signs in the RR district can take the form of a building, ground, or pole sign. Business signs in the RR district are limited to eight square feet in size and six feet in height for a ground sign, or sixteen feet in height for a pole sign. The Sign Code also permits five square-foot directional signs on the application area.

The application area is in the unincorporated county, but is surrounded by property within the City of Wichita to the north, east and west. North of the site is an "SF-5" Single-family Residential zoned residence, east of the site is the Arkansas River, further east is an SF-5 zoned residential subdivision under construction. West of the site, immediately west of the subject sign, is an SF-5 zoned subdivision and associated golf course, southwest of the subject sign is an associated golf course clubhouse zoned "LC" Limited Commercial. The application area and subject sign are along South Grove Street, which is classified as a local street at this location.

**ADJACENT ZONING AND LAND USE:**

NORTH	"SF-5" Single-family Residential	Single-family residence
SOUTH	"RR" Rural Residential	Agriculture
	"SF-5" Single-family Residential	Single-family residence
EAST	Un-zoned	Arkansas River
WEST	"SF-5" Single-family Residential	Single-family residences, golf course
	"LC" Limited Commercial	Golf course clubhouse

*The five criteria necessary for approval apply to all variances requested.*

**UNIQUENESS:** It is staff's opinion that this property is not unique, as it is zoned "RR" Rural Residential and approved for a sand extraction Conditional Use, similar to most sand extraction operations in Sedgwick County. The application area is limited to the same signage as most sand extraction operations in Sedgwick County, and is limited to the same signage as all other approved businesses in the RR zoning district which includes home occupation businesses, kennels, recreation and entertainment, stables, asphalt and concrete plants, and agricultural sales and service.

**ADJACENT PROPERTY:** It is staff's opinion that the requested variance would adversely affect the rights of adjacent property owners, as adjacent residences and a golf course face this sign, which is eleven times the size of signage allowed for this zoning district. The immediate surrounding residential neighborhood and accessory golf facility are residential in nature, Grove Street is classified as a local/residential street at this location, and the variance request is for signage that exceeds what is permitted in a residential area.

**HARDSHIP:** It is staff's opinion that the strict application of the provisions of the sign regulations does not constitute an unnecessary hardship upon the applicant. The applicant's attached letter states that a function of the existing sign is to alert customers and truck drivers to the location of the facility entrance. The existing 88 square-foot sign is larger than necessary for this purpose. There is no evidence that an eight square-foot sign, the size permitted for this site under the Sign Code, would not be adequate for the purpose of identifying the facility entrance. Likewise, the applicant could have five-square foot directional signs on this site under the Sign Code. As the applicant's site is not a retail establishment, and Grove Street is a local/residential street at this location (and not a section line or arterial street), staff does

not find that an 88 square-foot sign is necessary at this site. Staff does not find that an eight square-foot sign limitation in this district constitutes an unnecessary hardship for the applicant.

**PUBLIC INTEREST:** Staff does not see that the requested variance would significantly adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare. However, staff finds that this variance request is a significant increase in sign size over the size permitted by the Sign Code. Given the surrounding residential and associated golf course development, and the classification of Grove as a local/residential street, the requested variance could have a negative effect on the harmonious development of the community.

**SPIRIT AND INTENT:** It staff's opinion that the requested variance would oppose the general spirit and intent of the Sign Code inasmuch as the sign regulations are designed for application to include Conditional Uses in RR zoning. The intent of these regulations is to have uniform standards.

**RECOMMENDATION:** It is staff's opinion that all the conditions necessary for the granting of a variance do not exist; all five must exist to grant a variance. Staff would note that the Unified Zoning Code, and the Variance Application Instructions clearly point out that the purpose of a variance is not for "correcting mistakes that cause a property to come into non-compliance with a particular Code requirement. Variances are not for situations where complying with a particular Code requirement is inconvenient or more expensive." Therefore, the Secretary recommends that the requested variance to Section 6-346(a)(4)d. of the County Sign Code to allow an increase in allowable sign area from eight square feet to 88 square feet for a business sign be DENIED. Are there any questions of staff?

Tidemann      I am unclear exactly where the location of the sign is in reference to the streets. Is there an aerial?

McNeely        If you looked at this aerial, you can see 63<sup>rd</sup> street to the north. If you head south on Grove street approximately 900 feet, the northern part of the application area is where I am pointing. The entrance to this location is a little south of the northern most property line of the site. So, the sign is across the street from this fairway and a little northeast of the "LC" zoned golf course clubhouse.

Tidemann      Can we hear from the applicant?

Chuck Hill with Cornejo and Sons at 2060 E Tulsa. I want to apologize, because we got the cart before the horse, and that we put up the sign before we came to this board to get a variance. We knew that all sand operations are in rural residential zoned property. We knew that they all require a conditional use permit but never have we seen a conditional use case on a sand pit address signage for that facility. Our conditional use application was heard and approved by the MAPC about 2 years ago in November of 2004. A month or more before the county adopted a sign code. At the time that we got our conditional use permit, there was not an issue about signage so we did not raise it in the conditional use application. At the risk of having everyone tell me what happens when we assume I need to tell you that we did assume that we could have a sign at this location. Every sand pit operation we have ever seen, has a sign at the entrance with the company name and giving some information about the facility. I want to address Jess's comment about the change in the appearance of the sign. That is just the completion of the sign with everything we intended to have on it since the time we filed the application. Your issue is not to consider the content of the sign but how large can it be. Why do we need a variance? Mr. Jess said that we could have an 8-foot sign under the sign code. If you look at the County sign code, there are fifteen functional types of signs that are defined as being permitted in rural residential. If you go through that

list, and that is under tab 1, in your booklet. I went through and took the various types of signs and put the definitions from the code right next to it; so, you do not have to flip back and forth through the code from the type of sign to the definition. If you look at them, you can clearly throw out nine of them. It is not an advertising decoration sign. It is not a billboard. It is not a construction sign, not an official sign, not a political sign, not a project final sign, real estate sign, a real estate directional sign, or a temporary sign. So, we can do away with nine of those functional categories. The other six are bulletin board signs. I submit to you would be the classic church directory sign. The directional signs, that Mr. McNeely pointed out, is small accessory signs such as an arrow pointing in or an arrow pointing out and so forth. Next is a business sign for a home occupation, a sand extraction company is not a home occupation. As I read, this code is the only business sign allowed in "RR" rural residential zoning under the sign code. It is not a nameplate sign. A nameplate sign is a 2 square foot sign that goes on the side of a building traditionally. It is not a special sign that is further defined as three different types of signs, none of which are applicable to a commercial industrial building. That is the main reason we need a variance because there is no category of sign as defined in the sign code that can be allowed for this business. The closest one is for a home occupation and if you read the definition of a home occupation, we do not qualify for that type. Two years ago, the county commission granted us a conditional use permit after many hearings and meetings. It went through to county commission, it went through the district court and the conditional use grant was upheld to operate what is essentially a commercial and industrial business at this location. We submit that it is only fair that we are allowed signage consistent with and industrial or commercial business at this location. I would like to talk to you about the five factors you are to consider for a variance. The uniqueness of the property, Mr. McNeely said that it is not unique. It's like all other sandpits in rural residential zoning. I will submit to you that every sand extraction facility is unique in and of itself. I say that because you have to have a large enough piece of land, that has a large enough quantity of sand under the soil for which you can get water rights permitted by the state water board, that is very difficult to obtain and that is close enough to the market you need to serve that you can economically produce and deliver sand from that location. Every sand facility operation is a unique piece of property. Sometimes they are close to residential property and sometimes they are not; but they are unique in that a lot of factors have to come together before you can even consider locating a sand facility there. In the booklet under tab 3, you will see signs for three other sand extraction operations that are located in the county, the properties are zoned rural residential, they have conditional use permits. I do not find any evidence that they have any BZA permits for signage. It may be the fact that the sign was put up before the sign code or it may not. I do not know. If you will look at the closest one at 111<sup>th</sup> and Hydraulic, south of our operation, they have not one but two signs. They have approximately 64 square feet of sign space. I did not go out and measure them because I did not want to trespass on someone's property. They are required to have a 4-foot fence, and I eyeballed it off that 4-foot fence and determined the sizes of those signs. The smallest one as you will see is a 24 square foot sign. Essentially a piece of plywood painted and stuck on two poles that are not straight and surrounded by weeds. That is what they call their sign. The adverse impact on the adjacent property owners; section 4 of the booklet shows from those various location what those people can see. I took one picture from the driveway of the Hayes' home, that is right up here where the arrow is, I took a picture from this driveway and I took a picture from the end of Pine bay street standing about right here or right here looking toward the sign. I took a picture from Grove Court that is the next residential street to the south. I took a picture from Winchester, that is the next residential street to the south. As you will see from Winchester, you cannot see the sign. From Grove Court, you can see a small sign but all you see is the backside of the sign that is painted white. There are about three houses here. Maybe four, if they look out of their back doors, they can see the sign. Nobody else really had a view of this sign from his or her house. He mentions this as a residential street. It is a residential on this side. It is a 45 miles an hour speed limit zone and to ask an 8 foot sign to stop traffic that is going 45 miles an hour. We do not think that is going to be sufficient. As you look at those pictures around the neighborhood, you will see the sign is not intrusive at all. It is an attractive sign it is not lit up at night, they do not have to look at it at night. It is there during the daytime. Hardship to the applicant, this is difficult to determine and I realize we cannot base it on the fact that we

put the sign and now we what to have it approved. If we have a time limit, I will ask for 3 or 4 more minutes to complete my presentation.

Tidemann Is that okay with you?

Miller Yeah.

Hill This same facility includes the area where the sign is and this area down here, which is a total of about 140 acres roughly. We are obligated to improve Grove Street. The city has finally approved the petitions and the contracts. The bid should let here soon. We have to improve Grove Street from our driveway all the way to 63rd street to industrial standard. That job is estimated by the engineer at somewhere between 3 or 4 hundred thousand dollars. We have invested in this property; in plant equipment, land, landscape work done. If you notice on the picture slides, there is a berm all the way down Grove Street to protect that, there is a first quality chain link fence to keep people out of it. We have at least 2.5 million dollars invested in this facility today. We just started producing sand. We think this is a first class facility, we are entitled to have a reasonable business sign because we want to show people we own it. We are proud of it. We would like them to see and be able to find it. We finally got the last piece of the sign in place that says we do not want truck traffic going south of our driveway. Because we promised the neighbors that every truck we own will go to the north and we will try to keep everyone else from going to the south, in order to stay away from that residential neighborhood. In term of the public interest, this conditional use permit is for a limited period of time. I think this one is 10 years with a possible 2-year administrative extension. When the sand extraction operation is completed, the sign goes away. It is not like this sign is going to be here the next 50 or 60 years. It is there for a short time until we have exhausted the sand reserves and started to convert the property to residential use. Then there is conformance with the spirit and intent of the sign code, I disagree with the staff opinions that they call finding, actually they are just the opinions of the staff. The board makes the findings. I think the spirit and intent of the sign code is to provide reasonable regulations of signs for different categories of use of property. I understand the underlying zoning of this property remains rural residential. Even though, we have a conditional use permit that lets us have a commercial and industrial operation. It does not change the zoning. It is only reasonable and fair to allow a sign for a business location. If this property was zoned "LI", "GI", "LC" or "GC", we could have a 300 square foot sign. We are not asking for a 300 hundred square foot sign. We are asking for this existing sign that is 88 square feet. It is a very attractive sign and very well landscaped. If you have been by any of our businesses, I think you will know that it is going to be well maintained in the future. This is an eight square foot sign. There is about 2900 square feet of frontage along the road, and they want us to mark it with an eight square foot sign with trucks driving at 45 mph. No one will be able to see it. The truck will be driving throughout the neighborhood and we are going to get complaint calls. We think that it is fair and reasonable, under all the criteria the findings you have to make to grant a variance, we that it is fair and reasonable that you allow us to have this existing sign at 88 or 90 square feet. That is what the sign is and we will not expand it. We would ask that you approved our request for a variance. I am glad to answer any questions.

Tidemann I do not have any other questions.

Tidemann Is anyone here in opposition to the sign variance request?

Tidemann Seeing none, we will keep the comments to the board. Dale, one of the things I was wondering about, in regards to the process to get the okay to dig sand there, the timing did it fall before the sign code was put in place?

- Miller He's saying that this occurred about two months before the new code was adopted. What I want to clarify under the old sign code, in our district, that if Chuck's timeline is right, that ended up before the new code was adopted. Signs were permitted for only on-site agriculture uses and churches in the RR district under the old code, and they could not exceed 12 square feet in area. So technically, these kinds of uses could not have a sign at all under the old code.
- Hill The code provisions that I checked on the website has the official sign code in there; also, it was adopted December 15.
- McNeely The Sedgwick County Sign Code was officially published on December 23, 2004. This conditional use was approved on February 23, 2005. The two were in the works at the time. The number one thing that needs to be clarified with Glenn Wiltse, is this business permitted an 8-foot sign or not? The applicant thinks that they are not permitted and 8-foot sign, which will be different for what they applied for. What they applied for is an increase in sign size from 8 square feet to 88 square feet. Although, their letter and their testimony claims that they are not authorized any sign at all. The way I read the sign code was that any business in "RR", to include home occupations, are permitted and 8 square foot business sign. Is that correct?
- Wiltse A sign of 8 square feet would be able to get a permit.
- McNeely So under the sign code, if we could clarify the applicant's statement, they would be authorized an 8 square foot sign at this site.
- Wiltse You can do an 8-foot square foot sign. It talks about home occupation but it talks about rural residential properties in general. One clarification that we were looking at is technically you can do a billboard 120 square foot on that property as long as it does not advertise what is taking place, sand or gravel operations. The verbiage comes into play, but they would have the right to put up a billboard and it could be lighted.
- Hill Glen, isn't a billboard sign an offsite sign?
- Wiltse It could be an off-site premise sign but you get into the verbiage as far as advertisement.
- Hill You cannot use a billboard to advertise a business that is located on the property where the sign sits.
- Tidemann Dale?
- Miller Planning staff is not opposed to them having a sign. The dilemma we have is this is the first application under the new sign code. Having no history with the code and the board and how they view the code, we did not feel we could be lenient until we had some idea how the board was going to view it in relationship with the sign code and the request. I agree with Mr. Hill that the purpose of the sign code is to provide direction and identification. The business needs to be identified but they put up a sign larger than what is permitted under the code.
- McNeely The other thing I would like to clarify is in the packet that the applicant provided. Most of those signs on the other sand pits around the county were arranged in size from 24

square feet up to 64-square feet. How did those signs get on properties and are they in fact legal non-conforming or grandfathered? Or are they outright illegal signs?

Wiltse It could be either one actually. The way the code was written is that they were in place prior to the adoption of the new code. It says lawfully installed. That is questionable whether any of them were lawfully installed or not. Are they really grandfathered? I have my doubts.

McNeely So most of those you see, you would not go out citing any of those signs?

Wiltse If we have any complaints, we would have to look at whether they were lawfully installed.

McNeely This entire case came about because of complaint from a neighbor. You can read the letter that was attached to your packet. Some of the surrounding property owners were not happy about this situation. Being that this sign was put up without a permit, we felt that we could not condone it because it was put up without checking the size requirement of the sign code. A variance is not to be used to fix the mistake that you have made. If there was some reasonableness that could be tied to the size necessary for the applicant's sign needs, that would be something to consider. As it would appear to the neighbors now, the variance would be to approve what was done without a permit or to fix a mistake.

Tidemann The reason for the letter was not for the sign but for the use.

McNeely Yes, but they were also opposing the sign. Of the calls taken, people wanted to conflate the sandpit with the issue, along with another sign that was taken down. We had to make it very clear that staff would allow an 8-square foot sign. If that is not appropriate for the applicant's needs, we did not feel that 88-square feet was the minimum necessary. The surrounding property owners are going to view this as a way to fix an existing sign that was put up without a permit as opposed a variance that was supposed to be tailored to meet the applicant's need.

Hill First off in the sign code, if you read it, you will agree with me, there is a glitch in the sign code. The county approved this sign code that talks about signs for commercial and industrial business. The county commission approved a use of this property for a limited period of time. It seems to me that the only way to know what the county commission intended, what they approved for a commercial industrial business? Given that our frontage on Grove is 300 feet, we can argue all day long what we need. We think it is an attractive sign and size appropriate for the location.

McNeely This was advertise and notified as a variance to increase the size of a permitted sign on this property from 8 square feet to 88 square feet. If in fact, the variance is to permit a business sign period, we will have to defer and re-advertise and re-notify. Our real question is, is this business permitted under a conditional use in "RR" zoning permitted an 8 foot square sign under the sign code or not? I would point out that all the other businesses listed, permitted under "RR" zoning, are subject to the same signage restrictions.

Gruenbacher We are going in circles, let's consult with the attorney.

Tidemann We will take a 5-minute recess to visit with Bob and Glenn.

Wiltse            Be advised to go into executive session for the record.

Tidemann        Yes, that is the motion he is referring to.

Lindsay         Second

**Motion carried 4-0 unanimously for executive session**

Tidemann        Calls session back to order.

Gruenbacher     Motion to defer for one month, until all the other staff can be present.

Lindsay         Seconded

**Motion 4-0 unanimously approved**

Tidemann        We will now here BZA2006-73

McNEELY        **BACKGROUND:** The application area was rezoned in 2005 from “SF-20” Single-family Residential to “GO” General Office subject to a protective overlay that limits land uses on the site. The site was platted into five lots for the purpose of a medical complex, which is permitted in GO zoning. The requested variances are for a multi-tenant ground sign for the entire five-lot development (with an anticipated seven tenants), and for the building signs of one clinic building currently under construction (see the attached letter, site plan, and elevation drawings). The requested variance for the multi-tenant sign would increase the permitted area of the proposed ground sign along 21<sup>st</sup> Street North from 96 to 140 square feet. The requested variance for building signs would increase the permitted building sign area for one major use in one building from 32 to 189 square feet. This proposed building sign area would be split between two building signs, a 126 square foot sign on the north elevation of the building, facing 21<sup>st</sup> Street North, and a 62 square-foot sign over the main building entrance, facing the on site parking to the east.

The Sign Code permits multi-tenant ground signs with 24 square feet per business, limiting the entire multi-tenant sign to 96 square feet. The applicant proposes limiting most individual businesses to ten square feet each on the multi-tenant sign, but the proposed sign with seven total tenants will still be 140 square feet in size. The Sign Code also permits up to 32 square feet of building sign area per major use (or business) in a building. While the two-story building under construction is quite large, and could house numerous businesses each with their own 32 square-foot building sign, only one business (the Wichita Clinic) will occupy the building.

The subject medical complex is accessed via a cul-de-sac street from 21<sup>st</sup> Street North (a heavily traveled arterial street), with the proposed ground sign west of the entrance from 21<sup>st</sup> Street. The subject clinic building is located over 200 feet south of 21<sup>st</sup> Street North, with a parking lot between the building and 21<sup>st</sup> Street North. The application area is approximately 1000 feet west of residential subdivisions within the City of Wichita, and is adjacent to the 21<sup>st</sup> and 135<sup>th</sup> Street intersection, with commercial zoning at two corners and a new YMCA within the City and under a Community Unit Plan. It is expected that the application area will be annexed into the City of Wichita in the future; the City and County sign codes are almost identical regarding signs in the GO zoning district.

Property immediately surrounding this site includes SF-20 zoned agricultural land to the north, south, east, and west. A church exists north of the site, across 21<sup>st</sup> Street North. Also, north of the site is a



property recently approved for a zone change to “NO” Neighborhood Office? South and east of the site is a creek way and associated flood plain, including a recreational area south of the site.

**ADJACENT ZONING AND LAND USE:**

NORTH	“SF-20“ Single-family Residential	Agriculture, church
SOUTH	“SF-20“ Single-family Residential	Agriculture, outdoor recreation
EAST	“SF-20“ Single-family Residential	Farmstead, floodplain
WEST	“SF-20“ Single-family Residential	Agriculture

*The five criteria necessary for approval as they apply to variances requested.*

**UNIQUENESS:** It is staff’s opinion that this property is unique, as the site is a large medical office complex including large medical clinic buildings, similar in size to large retail commercial developments, and not anticipated by the Sign Code limitations within “GO” General Office zoning. The site has 920 linear feet of frontage along 21<sup>st</sup> Street North; this frontage could have been developed with many businesses, each with their own signage, but the medical complex will instead limit signage on 21<sup>st</sup> to one multi-tenant sign. The size of the medical clinic building could house numerous businesses, each with their own separate building signage. The depth of the site places the building, and therefore the building signs, over 200 feet from 21<sup>st</sup> street north. The site is also unique given its location along 21<sup>st</sup> Street North, a heavily traveled arterial street with significant development pressures, and nearby commercial zoning with larger sign area allocations. The topography of the site is unique, as the site is visually screened to the northwest by a hill.

**ADJACENT PROPERTY:** It is staff’s opinion that granting variances to increase the permitted size of a multi-tenant ground and building signs will not adversely affect the rights of adjacent property owners. No adjacent properties have residences that will view the proposed signs. Adjacent property to the west will most likely be developed with commercial uses at the 21<sup>st</sup>/135<sup>th</sup> intersection over time.

**HARDSHIP:** It is staff’s opinion that the strict application of the provisions of the sign code would constitute an unnecessary hardship upon the applicant, as a smaller multi-tenant sign along 21<sup>st</sup> Street North (and therefore smaller individual tenant signs) would not be legible to drivers along 21<sup>st</sup> Street North looking for a specific tenant. Also, a 32 square-foot building sign for a clinic would not be adequately visible to be identified by passing drivers, looking for the site, given its location over 200 feet from 21<sup>st</sup> Street, and given the size of the clinic building. While staff acknowledges that a 32 square-foot building sign may not be adequately visible for identification, it is difficult to determine exactly what percentage of size increase would be adequately visible.

**PUBLIC INTEREST:** It is staff’s opinion that the requested variances for increased sign area at this site would not adversely affect the public interest. Nearby commercial zoning and development has larger signs than those requested by this variance. It is in the public interest to have one multi-tenant ground sign along the 21<sup>st</sup> Street frontage instead of multiple signs. And, it is in the public interest to have the medical clinic adequately identifiable to those looking for it along 21<sup>st</sup> Street. The submitted drawings of the multi-tenant ground sign, and the building signs on the clinic building elevations, demonstrate that the requested signs are not out of scale with the site or buildings.

**SPIRIT AND INTENT:** It is staff’s opinion that the requested variances for increased sign size for a multi-tenant ground sign and building signs do not oppose the general spirit and intent of the Sign Code. The requested variance is consistent with the Sign Code purpose of ensuring identification the medical site, and reducing excessive signage by consolidating to fewer signs. It is important to note that most large hospitals and medical clinics in GO zoning in the Wichita area have numerous variances for

increased sign area, as the sign limitations within the Sign Codes are not adequate for large medical clinics and complexes, particularly those along arterial streets. This variance request is consistent with variances previously approved for similar medical complexes and hospitals in the Wichita area.

**RECOMMENDATION:** It is staff's opinion that the requested increase in sign area for a multi-tenant ground sign and building signs would be appropriate for identification of a large medical complex facility on a large GO zoned site along a heavily traveled arterial street. The requested variances are consistent with those approved on similar medical complex and hospital sites in GO zoning within the Wichita area. Should the Board determine that conditions necessary to grant the variances exist, then the Secretary recommends that the variances to increase the permitted area for a ground sign from 96 square feet to 140 square feet, and increase the permitted area of building signs for one major use in one building from 32 square feet to 189 square feet, be GRANTED, subject to the following conditions:

1. The site shall be developed in substantial conformance with the approved site plan and elevation drawings. No additional signs shall be permitted along the 21st Street frontage unless another variance is approved for such signs.
2. The applicant shall obtain all permits necessary to construct the signage and the signage shall be erected within one year of the issuance of the sign permit, unless such time period is extended by the BZA.
3. The resolution authorizing this variance may be reviewed for compliance with conditions by the BZA; the board may then make recommendations to staff regarding enforcement of conditions.

Are there any question of staff?

Tidemann      Tom? Dennis? Is the applicant here and does he wish to speak?

Good afternoon, I am Dan Unruh, In-site Medical Partners, representative of the development group. Thank you for hearing our request. When we first went out to acquire the site and to develop it, our intention was and remains to be to develop a first class office park that west Wichita can offer to prospective tenants/owners. In doing so we ask Luminous Neon, our sign contractor, to assist us in developing a sign that would adequately represent the tenants in the park and be complimentary and aesthetically pleasing to the neighborhood and passersby. We feel like the design put forth does exactly that, we are thrilled with the Wichita Clinic being our first tenant in the park. We hope to attract other quality users. Our intention was to design signage that would serve tenants in the park, complimentary to the neighborhood, be aesthetically pleasing and assist in guiding traffic through area. Unfortunately, it was inconsistent with "GO" zoning category that we have and that is why we are here. I am asking for your approval and I will be happy to answer any question or defer to our sign contractor who is here today.

Tidemann      Do you have any questions? Is there anyone here to speak against this request?

My name is Ray Boese; I lived directly north of this property. I was concerned primarily about the size and the lighting on the sign. These people are telling me that the lighting on the building would be turned off at approximately 8pm at night. The street light that faces north and south would be on all night. They tell me, I will not be able to notice it from the distance I am located away. We use to live in the dark and we liked it. No traffic and coyotes every once in a while. Now, I like the looks of the sign but I want the light to be address because we do not want bright lights to be on all night.

Tidemann      Are there any questions? Thanks for your comments. Would the person from the sign company please address the lighting and how detrimental it can or will be?

Judy Manka with Luminous Neon, I think we addressed his issues. The lighting on the multi-tenant sign is internal illumination. The only thing that will light after dark is the copy so there will be very little lighting coming off. Gary Bue with the Wichita Clinic addressed the issues with the Wichita Clinic signage, the signage that faces the east does not illuminate. Their internally illuminated letters on the north facing side of the building will be turned off after a certain time so there will no longer be a problem with all night lighting. We have addressed those issues. Are there any other questions about the technical part of the signage?

Tidemann I do not think so.

Gruenbacher I move to approve the two variances for this case number BZA2006-73 to allow both variances subject to staff comments, recommendation and conditions.

Lindsay Seconded

Tidemann All in favor say aye.

**Motion 4-0 unanimously approved.**

Tidemann Is there any other business for this board to hear today?

Tidemann Board ready to adjourn?

Gruenbacher I move that we adjourn.

Tidemann Seconded.

Adjourned 4:54pm